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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,206

09/18/2006

Valeriy Vladimirovich Kuznetsov

06626/LH

8766

1933 7590 10/01/2009
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

NEWTON, STEPHANIE R

ART UNIT

PAPER NUMBER

4193

MAIL DATE

DELIVERY MODE

10/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,206	Applicant(s) KUZNETSOV ET AL.	
	Examiner STEPHANIE NEWTON	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application no. 10/593206 filed on 9/18/2006.

Claim Objections

2. **Claim 5** is objected to because of the following informalities: The claim must conclude with the proper punctuation. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

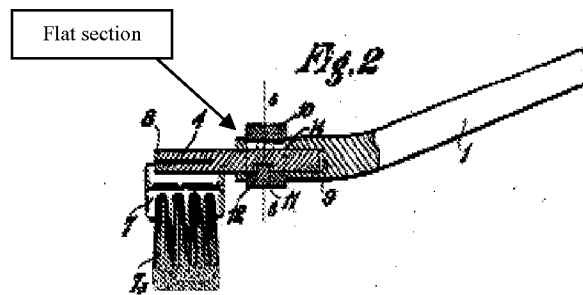
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vachoux (US 1,976,271)** in view of **Sato (US 6,334,232)**.

Regarding claim 1, Vachoux discloses a cleaning head (**2, Fig. 1**) for an electromechanical toothbrush comprising a bearing rod (**1, Fig. 1**) and a first plate (**7, Fig. 4**) which is provided with bristles (**7a, Fig. 4**) on an internal surface thereof and fixed to said rod, a

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second plate (7, Fig. 4), similar to the first plate, and bases (4, Fig. 1) of the plates are connected by an axis (8, Fig. 1) penetrating through a shaped slot (14, Fig. 2) on a fiat section (see annotations of Fig. 2 below) embodied on an end of the bearing rod in perpendicular direction of a longitudinal axis of the bearing rod.



Vachoux fails to disclose U-shaped plates disposed in a mirror manner; however, Sato discloses a U-shaped plate (90, Fig. 9) and a second U-shaped plate (91, Fig. 9) disposed in a mirror manner with respect to the first U-shaped plate.

Therefore, it would have been obvious to one of ordinary skill in the art during the time the invention was made to modify the cleaning head of Vachoux based on the aforementioned teachings of Sato since doing so would allow the user the ability to clean numerous surfaces of a single tooth at once, while also cleaning an additional tooth in the same manner.

Regarding claim 2, Vachoux discloses wherein bristles (7a, Fig. 4) are arranged on exchangeable tie-plates (7, Fig. 4) fixed on the internal surfaces of the plates but fails to disclose the U-shaped plates.

However, Sato discloses U-shaped plates (90, 91; Fig. 9), and therefore, it would have been obvious to one of ordinary skill in the art during the time the invention was made to modify

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the cleaning head of Vachoux based on the aforementioned teachings of Sato. Doing so would allow the cleaning of multiple surfaces of a single tooth at once.

Regarding claim 3, Vachoux discloses wherein fixing lugs **(5, Fig. 4)** are made on outer surfaces of the exchangeable tie-plates **(7, Fig. 4)**.

Regarding claim 4, Vachoux discloses wherein sides of the plates comprising fixing slots **(6, Fig. 1)**, but fails to disclose U-shaped plates; however, Sato discloses U-shaped plates. Therefore, it would have been obvious to one of ordinary skill in the art during the time the invention was made to modify the cleaning head of Vachoux based on the aforementioned teachings of Sato. Doing so would allow the cleaning of multiple surfaces of a single tooth at once.

Regarding claim 5, Vachoux discloses wherein the shaped slot **(14, Fig. 2)** on the flat section embodied on the end of the bearing rod **(1, Fig. 2)** is made in a shape of a keyhole with an open outside part.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE NEWTON whose telephone number is (571)270-1662. The examiner can normally be reached on Monday- Friday 7:30a-5p est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on (571) 272- 4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/STEPHANIE NEWTON/
Examiner, Art Unit 4193

/Terrell L Mckinnon/

Supervisory Patent Examiner, Art Unit 4193